
Public Notice

Applicant:
Bainbridge Land
Development, LLC

Date:
Published:
Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 2000-01924(0) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Bainbridge Land Development, LLC c/o Heritage Development Company, 34555 Chagrin Boulevard, Moreland Hills, Ohio, 44022, has applied for a Department of the Army Permit to fill 12.33 acres of wetlands, 783 linear feet of intermittent stream, and 294 linear feet of perennial stream for the purpose of constructing a commercial retail development. The commercial retail complex would involve the construction of 11 buildings, to be located on the south side of State Route 43, Bainbridge Township, Geauga County, Ohio.

A total of 32.08 acres of jurisdictional aquatic resources exist on the 127.8 acre site. The existing waters of the United States include 31.26 acres of wetlands, and 0.82 acre of intermittent and perennial streams. The applicant proposes to impact 19 wetland areas which are comprised of 0.17 acre of emergent wetlands, 4.56 acres of scrub-shrub wetlands, 7.48 acres of wooded wetlands, and 0.12 acre of wooded/scrub-shrub wetlands. The streams to be affected by the project include 783 linear feet of an intermittent stream, and 294 linear feet of a perennial stream. Portions of two wetland areas totalling 0.79 acre will not be impacted by the project. Additionally, two wetland areas totalling 18.14 acres will not be impacted by the project.

The applicant has submitted a conceptual mitigation proposal for the permanent loss of 12.33 acres of wetlands and 1077 linear feet of streams. No drawings were provided with the proposal. Three possible mitigation options were submitted as follows:

a. Creation, expansion, and enhancement of wetland areas on the project site.

b. Reservation of the appropriate amount of wetland creation/restoration and/or preservation credits at one or more of the following locations: wetland creation and restoration in the Cuyahoga Valley National Recreation Area, Cuyahoga and Summit Counties, Ohio; 1.2 acres of wetland mitigation through the Chagrin River Land Conservancy at the Chip Hess Consolidated Mitigation Bank; wetland creation and restoration through Cleveland Metroparks adjacent to Shadow Lake, located south of Hawthorn Parkway, Bedford Heights, Cuyahoga County, Ohio; preservation of several acres of wetlands adjacent to Glenwood Boulevard, City of Reminderville, Summit County,

Ohio; wetland preservation and restoration at West Woods Nature Preserve, Russell Township, Geauga County, Ohio; preservation of

wetlands at Twinsburg Bog, City of Twinsburg, Summit County, Ohio.

c. Wetland creation/restoration at the Grand River Multi User I Mitigation Bank, located north of State Route 322, Orwell, Ashtabula County, Ohio. Bainbridge Land Development currently has 12.5 acres of credit reserved at this mitigation bank.

A Department of the Army permit (No. 2000-00711) was issued to the applicant for a similar project at a site on the north side of State Route 43, where 2.2 acres of wetland impact would occur. However, the applicant has elected to forgo this option in favor the current plan.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Mark W. Scalabrino, who can be contacted by calling (716) 879-4327, or by e-mail at: mark.w.scalabrino@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Mark W. Scalabrino, or by e-mail at: mark.w.scalabrino@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the

proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.